quire members who do this to protect plant varieties by "an effective sui generis system" (i.e. an effective special form of protection). There is no obligation to become a signatory to UPOV. Countries have thus been left with greater flexibility in meeting with the obligations in this area than would have been entaled by a specific reference to UPOV.

A draft legislation for the protection of plant varieties which provides for farmers' and researchers' privileges is under consideration of the Government. It is proposed to provide for the rights of farmers to eave, use and exchange seeds and sell non-branded seeds.

Effect of GATT Agreement on Indian Agriculture

5328. SHRIMATI RENUKA CHOWDHURY :

SHRI G. G. SWEL :

Will the Minister of COMMERCE be pleased to state :

(a) whether GATT greement adversly affects development of Indian agriculture;

(b) the details elaboration of the negative and positive aspect in relation to Indian agriculture;

(c) the implication of enactment of sui generis pattern or plant Breeders Rights system to be established by the year 2000 or sooner;

(d) whether patenting of seeds and plants would put new curbs on farmers to farmers exchange of seed and plants which are replicable and if so, the details thereof;

(e) whether seeds and plant varieties patented by advanced countries are copied or traded freely without the consent of patentors and whether that would be permitted in future;

(f) whether all existing seed and plant varieties and all new varieties will not be affected till the time any PBR system comes into operation; and

(g) the advantages/disadvantages to India after PBR system is established ?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED) : (a) to (g) Analysis made by the Government shows that the Uruguay Round Agreement on agriculture would not create any problems for our agricultural polices. On the other hand the reduction in the level of subsidisation of agricultural products in developed countries would enhance markets access opportunities for agricultural exports from India.

There is no obligation to provide for patenting of seeds in the Final Act of the Uruguay Round. In respect of the option of effective sui generis system for the protection of Plant varieties, it has been left to each country to design its own law to suit its national requirements. The agreement does not prohibit Members from providing for the traditional rights of farmers to sell, use and exchange seeds. Commercial transactions in case of protected varieties of seeds would be subject to the conditions governing such transactions in the law that we may enact. No variety of seeds, whether existing or new, will be affected till such time as a law on plant variety protection is put in place.

Information on seeds and plant varieties which are under patent in accordance with the patent laws of foreign countries is not available.

It s generally recognised that a system for the protection of intellectual property rights is needed as an incentive to encourage

innovative effort. Plant variety protection would make available to farmers new and more productive varieties and encourage investment in agricultural research The biological diversity in India and the skills of our scientists would indicate that India would stand to benefit from such a system.

8th Uruguay Round of Talks

5329. SHRIMATI RENUKA CHOWDHURY :

SHRI G. G. SWELL :

Will the Minister of COMMERCE be pleased to state :

(a) when the Eighth Uruguay Rounds was initiated;

(b) which were the Governments including India and their Commerce Ministries or other representatives participated and what attitude they held on the trade in services and intellectual property rights and other issues facing Eighth Round on behalf of their Governments;

(c) whether services and Intellectual property rights were agreed upon for the inclusion in proposed draft treaty from the beginning of the Eighth Round or prior to that and the details about the attitude taken by our Commerce Minister at every session of Eighth Round;

(d) whether former Prime Ministers who are opposing GATT treaty today had earlier taken a different stand on service and IPRs through their Commerce Ministers and other representatives and if so, the details therof;

(e) whether it is a fact that biological pocesses for the production of the plants and animals are not patentable; and

(f) if so, the details thereof ?

THE MINISTER OF COMMERCE (SHRI PRANAB MUKHERJEE) : (a) to (d) The Uruguay Round commenced in September 1986. Trade in Services and Trade Related Intellectual Property Rights were included in the scope of the negotiations from the very beginning. There have been four Ministerial meetings of the Trade Negotiations Committee in the course of the Uruguay Round. These were held at Punta-del-Este, Uruguay, in September 1986; the mid-term review at Montreal. Canada in December 1988; the unsuccessful attempt to conclude the Round in Brussels. Belgium in December, 1990 and the concluding meeting in Marrakesh, Morocco, in April 1994. Texts of the statements made by Indian Ministers at each of these meetings have been placed in the Parliament Library. Various ministries and departments of the Government participated in the negotiations, depending upon the stage and subject of negotiations. All the governments of the country during 1986—1994 participated in the negotiations.

(e) and (f) The TRIPs agreement provides, inter-alia, for the possibility of exclusions from patentability. Members have the flexibility to exclude from patentability essentially biological process for the production of plants or animals. However, non-biological and micro-biological processes are to be made patentable.